IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1032/2001

MADAN LAL Vs. SMT. SUWA DEVI & ANR.

DATE: 21.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Biri Singh for the petitioner.
Mr. Akhil Simlote for the respondents.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the orders dated 16.10.2001 and 08.11.2001 passed by the Judicial Magistrate, First Class, Sikar in Criminal Misc. Application No. 211/2001 moved by the non-petitioners under Section 125 Cr.P.C.

This Court vide interim order dated 13.12.2001 stayed the operation of the order dated 08.11.2001 till further orders subject to depositing of Rs. 3,000/- by the petitioner Madan Lal in the trial Court for non-petitioners within two months and also made it clear that if the petitioner does not deposit the above mentioned amount within two months, then the trial Court is free to execute its order dated 08.11.2001 and send the petitioner in jail.

In the interest of justice, this Court vide order dated 01.02.2007 directed the learned counsel for the petitioner to ascertain this fact whether the petitioner is paying maintenance amount or not, but the petitioner is absolutely failed to submit that the amount has been deposited and the counsel for the petitioner states that no instruction has been received from his client, whereas learned counsel appearing for the respondents denied that any payment has been made to her.

As this Court vide order dated 13.12.2001 has made it clear that if the petitioner failed to deposit the above mentioned amount within two months, then the trial Court is free to execute its order dated 08.11.2001, admittedly, till date the amount has not been deposited by the petitioner.

In view of these facts, the trial Court is at liberty to execute its order dated 08.11.2001 and shall proceed further in accordance with the provisions of law.

I find no merit in the revision petition.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

/KKC/